

STATEMENT OF PURPOSE

RS18755

This bill amends a section of the Uniform Anatomical Gift Act which was adopted by the Idaho legislature in 2007. In one area of particular concern, the Act attempted to harmonize a patients expressed wishes to be an organ donor, which might require life support in order to preserve organs for donation, with the patients expressed wishes in a living will that unnecessary life supporting measures, excluding pain relief, not be administered merely to prolong life. The initial language of the Act, however, could have been interpreted to suggest that the organ donation would trump the living will. The original drafter of the Act, the National Conference of Commissioners on Uniform State Laws, was made aware of this interpretation and took appropriate steps to craft an amendment clarifying the Acts intention. This legislation contains that clarifying amendment. It provides that, if a patient who is an organ donor also has a document directing the withholding or withdrawal of life support systems which conflicts with organ donation, the patient (or the patients designated decision maker) and the patients attending physician must confer and resolve the conflict. This amendment reflects the principle that the wishes and needs of the patient are paramount.

FISCAL NOTE

There is no fiscal impact

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